

REMARKS

Claims 1-47 are pending in the present application. In response to the Office Action dated April 6, 2006, Applicant respectfully submits that pending claims 1-47 define patentable subject matter.

Applicant is filing concurrently herewith a One-Month Extension of Time, thereby extending the time to respond to the Office Action to August 6, 2006.

Claims 1-2, 4-12, 14-15, 17-20, 22, 23, 41-43 and 45-47 were rejected under 35 USC 102(b) as being anticipated by Remillard. Claims 2, 3, 21, 24-30, 32-33, 35-40 and 44 were rejected under 35 USC 103 as being obvious over Remillard. Claims 13 and 31 were rejected under 35 USC 103 as being unpatentable over Remillard in view of Duggan et al. Claims 16 and 34 were rejected under 35 USC 103 as being obvious over Remillard in view of Merwin et al. Applicant respectfully traverses these rejections under 35 USC 102 and 103. Applicant respectfully submits that the pending claims define patentable subject matter over the cited prior art for the following reasons.

The pending claims each recite that the interactive system for receiving the user input is contained in the television's set-top-box. Specifically, each of the independent claims recites a set-top-box that is in communication with the television and that receives digital television services. The claims further specify that the set-top-box accepts the user input for triggering the communication with the user and a remote third party. Consequently, the present claims specify that the interactive system runs on the existing set-top-box.

The primary reference cited in the Office Action, Remillard, fails to recite that the communication between the user and a remote third party is triggered by the existing set-top-box. Referring to item 7 on page 18 of the outstanding Office Action, the Examiner states that Remillard “specifically discloses wherein the device can both receive television programming from a television station (see Figs. 1 and column 1, lines 7-9) and communicate pay-per view programming orders upstream to the television provider (column 9, lines 41-61. The device of Remillard clearly meets the claim limitation of a set top box and applicant’s arguments are not persuasive.” Applicant respectfully disagrees with the Examiner’s conclusion that device 20 is a set top box. Referring not to just column 3, lines 7-9, as cited in the Office Action, but to the entire disclosure from column 2, line 61 through column 3, line 14, it is clear that Remillard does not receive television programming from a television station as the Examiner contends. Rather, based on reviewing Remillard including the lines before and after column 1, lines 7-9 cited by the Examiner, it is clear that Remillard teaches the ability to “capture” television images that have been displayed on a television in a graphic form and can also allow a user to superimpose graphics on the captured image. Remillard specifically teaches that the captured image is provided to an independent computer system. Accordingly, the electronic device 20 is connected to the television and to host computer 30 for capturing images displayed on the television. Accordingly, it is clear from Remillard that electronic device 20 is not the existing set-top-box, as recited in the present claims, but rather an add-on device to an existing digital television system. As stated in the previous response, Remillard teaches that electronic device 20 communicates with host computer 30 via a communication medium 32 that is in the form of a telephone network, a closed circuit cable or a cellular telephone (see, Fig. 1 and col. 4, lines 36-

44). Thus, unlike the claimed invention in which client software runs on the existing set-top-box, there is no need for special hardware at the home. Moreover, since the claimed invention runs on the existing set-top-box, there is no need for an additional phone line or other communication line feed, as required by Remillard.

As is apparent, there are substantial differences between the presently claimed invention and Remillard. Moreover, the claimed invention provides substantial advantages relative to the Remillard system. Specifically, with the claimed invention, the existing set-top-box for a digital television can be used, obviating the need for an additional device or an additional communication line.

The two secondary references cited in the Office Action, Dugan and Merwin, do not remedy the deficiencies of Remillard relative to the present claims. The Dugan reference was cited for its teaching of speech-to-text software. Merwin was cited for its teaching of a system for recording a voice message as an electronic file. Assuming arguendo that Dugan and Merwin teach the features identified in the Office Action, these references fail to teach or remotely suggest the set-top-box recited in the present claims. Consequently, Remillard, Dugan and Merwin taken alone, or in any reasonable combination, fail to teach or suggest the presently claimed invention.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

RESPONSE UNDER 37 C.F.R. § 1.116
U.S. Appln. No. 09/917,760

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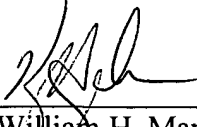
SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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CUSTOMER NUMBER

Respectfully submitted,

 Kelly G. Hyndman
Reg No 39,234
William H. Mandir
Registration No. 32,156

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